

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 17-cr-0229 (WMW/KMM)

Plaintiff,

ORDER

v.

Jarmell Raymond Mayweather,

Defendant.

In an April 28, 2022 Order, this Court denied Defendant Jarmell Raymond Mayweather's motion to vacate his conviction and sentence pursuant to 28 U.S.C. § 2255. Mayweather now moves for reconsideration of the Court's April 28, 2022 Order and amendment of the judgment denying his Section 2255 motion. (Dkts. 230, 231.) Because Mayweather is proceeding *pro se*, the Court liberally construes his motions. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam).

“A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). “Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence.” *Holder v. United States*, 721 F.3d 979, 986 (8th Cir. 2013) (internal quotation marks omitted). “Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments [that] could have been offered or raised prior to entry of judgment.” *Id.* (internal quotation marks omitted).

Similarly, before filing a motion to reconsider a court order, a party must first obtain the district court's permission based on a showing of "compelling circumstances." LR 7.1(j). "Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence." *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988) (internal quotation marks omitted). The purpose of a motion to reconsider is to afford a party the "opportunity for relief in extraordinary circumstances." *Clear Channel Outdoor, Inc. v. City of Saint Paul*, 642 F. Supp. 2d 902, 909 (D. Minn. 2009) (internal quotation marks omitted).

Here, Mayweather's motions for reconsideration and to amend the judgment do not identify any newly discovered evidence or errors of law or fact. Instead, Mayweather's motions recite arguments and evidence that Mayweather either presented or could have presented in his Section 2255 motion and other post-conviction motions. As such, Mayweather has not demonstrated that reconsideration of the Court's April 28, 2022 Order or amendment of the Court's judgment is warranted.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Jarmell Raymond Mayweather's motions for reconsideration and to amend the judgment, (Dkts. 230, 231), are **DENIED**.

Dated: June 10, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge